

# Notice of Allowability

Application No.

10/601,588

Examiner

Khoa D. Huynh

Applicant(s)

HUDZINSKI, LEN

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to examiner amendment filed on 07/21/04.
2. ☒ The allowed claim(s) is/are 1 and 3-17.
3. ☒ The drawings filed on 24 June 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 12/08/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 07212004.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## EXAMINER'S AMENDMENT

### *Election/Restrictions*

1. Applicant's election of Species I, claims 1-12 and 14-19, in the reply filed on 07/05/04 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Claim 13 has been withdrawn from further consideration as being drawn to the non-elected inventions.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Sean Goodwin and Ms. Linda Thompson on 07/20/04.

The application has been amended as follows:

In claim 1,

line 1: delete "Apparatus" and substitute --In an apparatus--;

line 6: delete "said apparatus" and substitute --the improvement--;

line 7: after "engaging means" delete --for--;

lines 7-8: delete "first and second planer surfaces adjacent their";

line 9: after "tension means" insert --,--;

line 10: after "means" delete "for" and substitute --and being sandwiched between the first and second planer surfaces,--;

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line 10: after "crossbar" delete "and" and substitute --, wherein the hinge is--;

line 11: after "free state" insert --, wherein the crossbar is part of a cover lifter, the crossbar extending transversely between arms rotatable about pivots between a resting position and a supporting position, and wherein, in the resting position, the crossbar is positioned on one of the first and second planer surfaces, substantially adjacent and parallel to the hinge and intermediate the hinge and the peripheral edge of the one of the first and second planer surfaces, and in the supporting position, the crossbar is sandwiched between the first and second planer surfaces and the hinge is positioned above the crossbar--;

Claims 2, 18 and 19 have been cancelled.

In claim 17,

line 1: delete "Apparatus" and substitute --In an apparatus--;

line 1: delete "hanaging" and substitute --hanging--;

line 2: after "the cover" insert --having first and second planer surfaces--

line 3: delete "a";

line 3: delete "edge" and substitute --edges--;

line 4: delete "said apparatus" and substitute --the improvement--;

line 5: after "brackets" delete --for--;

line 5: delete "edge" and substitute --edges--;

line 6: after "tension means" insert --,--;

line 7: after "engaging means" delete "for" and substitute --and being sandwiched between the first and second planer surfaces,--;

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line 7: delete "remains fabric connector" and substitute --fabric connection--;

line 8: after "crossbar" insert --, wherein the fabric connection is--;

line 8: after "free state" insert --, wherein the crossbar is part of a cover lifter, the crossbar extending transversely between arms rotatable about pivots between a resting position and a supporting position, and wherein, in the resting position, the crossbar is positioned on one of the first and second planer surfaces, substantially adjacent and parallel to the fabric connection and intermediate the fabric connection and the peripheral edge of the one of the first and second planer surfaces, and in the supporting position, the crossbar is sandwiched between the first and second planer surfaces and the fabric connection is positioned above the crossbar--;

The amended claim 1 is generic and allowable. Accordingly, the election/restriction requirement as to the encompassed species is hereby withdrawn and claim 13, directed to Species II, is no longer withdrawn from consideration since all of the claims to this species depend from or otherwise include each of the limitations of an allowed generic claim.

In view of the above noted withdrawal of the restriction requirement as to the linked species, applicant(s) are advised that if any claim(s) depending from or including all the limitations of the allowable generic linking claim(s) be presented in a continuation or divisional application, such claims may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Once a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. See *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

3. Claims 1 and 3-17 are allowed over the prior art of record.

4. The following is an examiner's statement of reasons for allowance: none of the cited prior art teaches an improvement for supporting a foldable cover having, in

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conjunction with other limitations, engaging means and holding means which support the cover, in the supporting position, by relieving the stress applied to the hinge by the crossbar as claimed.

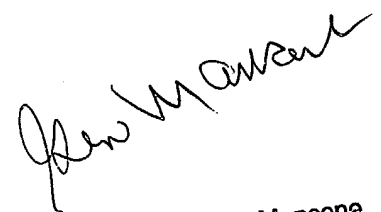
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoa D. Huynh whose telephone number is (703) 306-5483. The examiner can normally be reached on M-F (7:00-4:30) Second Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Huson can be reached on (703) 308-2580. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HK  
07/2/2004



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